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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
NGUYEN, CAM N				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
12/12/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/579,094

Applicant(s)

STREBELLE ET AL.

Examiner

Cam N. Nguyen

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/08/08 (an election).
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
4a) Of the above claim(s) 10-13 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on originally filed is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/08)
Paper No(s)/Mail Date 05/12/06, 06/06/07, 10/05/07, 11/27/07
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-9, in the reply filed on 09/08/08 is acknowledged. The traversal is on the ground(s) that *"the Examiner has not provided any indication that the contents of the claims interpreted in light of the description was considered in making the assertion of a lack of unity and therefore has not met the burden necessary to support the assertion, etc."* This is not found persuasive because of the following reasons. The determination of the patentability of the product claims and the process of use claims are independent from each other. For the product claims, the composition and its properties determines the patentability; whereas, for the process of use claims, the process steps and process conditions, such as temperature, etc. determines its patentability. However, according to the MPEP rule, if the product claims are elected and once found allowable then the process of use claims will automatically be rejoined upon allowance. Thus, it would be easier for the Examiner to focus on searching and examining the product claims at this time rather than all of the claims. Currently, the elected product claims are not found allowable because the claimed catalyst support and catalyst material are unpatentable over "Vogel '487", (US Pat. 4,547,487), "Dautzenberg '854", (US Pat. 3,776,854), and "Talsma '154", (US Pat. 3,397,154). Thus, this also shows that the Group I and Group II inventions lack the same or corresponding special technical features.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 10-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention(s), there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 09/08/08.

Claim Rejections - 35 USC § 112 (Second Paragraph)

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 & 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Regarding claim 5, line 3, the proper Markush terminology should be --selected from the group consisting of alkali metals, ... and gold.--

B. Regarding claim 6, last line, the proper Markush terminology should be --selected from the group consisting of alkali metals, alkaline-earth metals and rare earth metals.--

Claim Rejections - 35 USC § 102(b)

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 & 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Vogel et al., hereinafter referred to as "Vogel '487", (US Pat. 4,547,487).

Vogel '487 discloses a catalyst material comprising a mixture containing from 20 to 60 weight percent alumina, 0.5 to 10 weight% of a solid metal compound, 30 to 75 weight% water, etc. (see col. 9- col. 10, claim 1). The solid metal compound is selected from the group consisting including TiO_2 (see col. 9- col. 10, claim 1). The metal compound is titanium oxide (see col. 10, claim 8).

The instant claims require "a catalyst support comprising an alumina containing at least 0.03 g of titanium, expressed in metal form, per kg of alumina". The "0.03 g of Ti" is equivalence to 1.5% Ti, which falls within the disclosed range. Vogel '487 teaches "0.5 to 10 weight% of a solid metal compound" (or titanium oxide) (see above).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel et al., hereinafter referred to as "Vogel '487", (US Pat. 4,547,487) taken together with Dautzenberg, "hereinafter Dautzenberg '854", (US Pat. 3,776,854).

Vogel '487 discloses a catalyst material (see above), but does not disclose "Cu".

However, "Cu" is a well known catalytically active metal component for catalysts and it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added (or deposited) such known "Cu" component onto the catalyst material of Vogel '487

in order to achieve an effective catalyst because it is shown in Dautzenberg to impregnate "Cu" onto a carrier material, which contains alumina and titanium oxide (see Dautzenberg at col. 6, claims 1), which is similar to the catalyst material of Vogel '487.

B. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel et al., hereinafter referred to as "Vogel '487", (US Pat. 4,547,487) ***taken together with*** Dautzenberg, "hereinafter Dautzenberg '854", (US Pat. 3,776,854), as applied to claims 1-4 above, and further in view of Talsma, hereinafter referred to as "Talsma '154", (US Pat. 3,397,154).

Vogel '487 discloses a catalyst material as described above, except for the claimed additional metals.

It would have been *prima facie obvious* to one of ordinary skill in the art at the time the invention was made to have added such known metal components into the catalyst material of Vogel '478 to achieve a more effective catalyst because they are known and taught by Talsma '154 as useful catalyst metals (see Talsma at col. 12, claim 1).

Citations

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form prepared.

Conclusion

7. Claims 1-13 are pending. Claims 1-9 are rejected. Claims 10-13 are withdrawn due to nonelected (distinct) invention(s). No claims are allowed.

Contacts

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner CAM N. NGUYEN, whose telephone number is 571-272-1357. The examiner can normally be reached on M-F, 9:00 AM - 6:30 PM, at alternative work site.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cam N. Nguyen/

Primary Examiner

Art Unit: 1793

/C. N. N./

December 06, 2008